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Proceedings, Trustees Bowling Green Normal College

September 13 1919

Columbus, Ohio September 13, 1919.

The Board of Trustees of the Bowling Green State Normal College met on the above date with Pres. J. E. Collins presiding, Vice-Pres. E. H. Ganz, Treas. D.C. Brown present, H. B. Williams, President of the College, was also present. Secretary F. E. Reynolds came in later and Pres. J. E. Collins was compelled to leave before the meeting adjourned. D. C. Brown acted as Secretary until Sec. Reynolds arrived. The following communications from the Attorney General were read and ordered made a matter of record.

State of Ohio

Office of the Attorney General

Columbus

September 13, 1919.

Hon. F. E. Reynolds,
Sec. Board of Trustees
Bowling Green State Normal College
Wapakoneta, Ohio

Dear Sir:

Enclosed find the opinion of the Attorney General relative to the availability of the unexpended balance of the appropriation heretofore made for the teachers' training school building at the Bowling Green State Normal College.

Appreciating the fact that your board of trustees desires to complete this building with all possible haste, I take the liberty of making a suggestion in regard to what may be done to this end.

First, your board of trustees may request the legislature, when that body re-convenes, to appropriate the moneys in such a way as to make same available for the contemplated new contract.

Secondly, your board of trustees may make application to the state emergency board for an appropriation sufficient to carry on the work until the legislature makes the desired re-appropriation. Said emergency board consists of the governor, auditor of state, attorney general, chairman of the senate finance committee, and chairman of the house finance committee. The granting of such an application is discretionary with such board.

Very respectfully,

JOHN G. PRICE

Attorney General.

OPINION 627

Hon. F. E. Reynolds
Secretary Board of Trustees
Bowling Green State Normal College
Wapakoneta, Ohio

Dear Sir:

In your letter of recent date you say:

"At a meeting of the board of trustees of the Bowling Green State Normal College held August 8, 1919, the Secretary of the Board was instructed to ascertain from your department whether or not the unexpended balance in the appropriation for the training school building at the college is available for the completion of said building, or such a part of it as may be completed with the money yet unexpended, under a new contract now in contemplation by the board. The original contractor, The Steinle Construction Company, upon the certificate of the architect, has been dismissed and the board is taking steps to let a new contract. Our question is, is this balance available for the new contract ?

"I am also enclosing a copy of a resolution passed by the board of trustees at this same meeting."

It appears that the 81st General Assembly appropriated the sum of \$100,000.00 for the erection and completion of a teachers' training school building at the Bowling Green State Normal College, said appropriation being found in 106 O.L., page 739 and page 814.

On the 21st of July, 1916, the board of trustees of the Bowling Green State Normal College entered into a written contract with The Steinle Construction Company for the construction and completion of such building, said contract calling for the payment to the contractor of the sum of \$94,545.45.

Said contract contained a provision requiring the contractor to complete the work by July 1, 1917, but on or about the 14th day of December, 1918, said board of trustees extended the time of such completion to September 1, 1919.

In July, 1919, the board of trustees, being in receipt of a certificate from the architect in charge of said building improvement, to the effect that the refusal, neglect and failure of the contractor to supply sufficient workmen and materials was such as to justify the board in so doing, terminated, under authority of Article V of the contract, the employment of said contractor for the work.

It is understood that the board of trustees now desires to enter into a new contract with some other person or persons in order to complete the building or such part of it as may be completed with available funds. Before doing so, the board wishes to make sure that the unexpended balance of moneys in said appropriation is available to pay the contractor under the new contract.

Re-appropriations of unexpended balances were made by the eighty-second General Assembly, section 9 of H.B.No.584 (107 O.L., 355), reading thus :

"Unexpended balances of all appropriations, made by the eighty-first general assembly, against which contingent liabilities have been lawfully incurred, are to the extent of such liabilities only hereby reappropriated and made available for the purpose of discharging such contingent liabilities and for no other purpose. Any balance remaining in the item

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Installing indexes .. \$5,000

made to secretary of state in house bill No. 196 approved March 2, 1917, is hereby reappropriated."

Re-appropriations of unexpended balances were also made by the eighty-third General Assembly, section 10 of H.B. No.536 (108 O.L., __) reading as follows:

"Unexpended balances of all appropriations, made by the eighty-second General Assembly, against which contingent liabilities have been lawfully incurred, are to the extent of such liabilities only, and whether the same have been lapsed prior to the taking effect of this act with respect thereto or not, hereby appropriated and made available for the purpose of discharging such contingent liabilities and for no other purpose ###."

By reason of the provisions just cited, it appears that the legislative appropriation which you have in mind is available for a limited purpose only, to-wit: for the purpose of discharging contingent liabilities which had already been lawfully incurred at the time the re-appropriation took effect. At that time, of course, the new contract was not in existence and there were no contingent liabilities thereunder which the re-appropriation of unexpended balances could possibly relate to.

The conclusion is therefore reached that the unexpended balance in the appropriation for the building in question is not available to discharge liabilities arising under the proposed new contract of which your letter speaks.

Respectfully yours,

JOHN G. PRICE

Attorney General.

R. J. Merriam, Architect, submitted an estimate of the cost for the completion of the Training School Building amounting to \$72,900.00. Moved by Ganz and seconded by Brown that the architect's estimate be accepted as a preliminary report. Motioned carried, the vote being: yes, Brown, Ganz, Collins.

Louis Brandt, Landscape Architect, submitted estimates for certain street and sidewalk improvements. Moved by Ganz and seconded by Brown that the plans and specifications for the improvement of Wayne Street from Circle south to Wooster Street, as prepared by Louis Brandt, Architect, be approved and that the Secretary proceed to advertise the letting of the contract. Motioned carried, the vote being: yes, Brown, Ganz, Reynolds.

On motion of Mr. Reynolds, seconded by Brown, the board adjourned to meet at the Boody House, Toledo, on Sept. 22nd at 3 P.M.

Attest: F. E. Reynolds Secretary.

President.

Toledo, Ohio, September 22 1919

The Board of Trustees of the Bowling Green State Normal College met on above date with Vice-President E.H. Ganz, presiding, J. E. Shatzel, and Secretary F. E. Reynolds present. Dr. H. B. Williams, President of the College, was also present.

The minutes of the Board for June 21, 1919, June 30, 1919 and August 8, 1919, were read and approved.

The following letter under date of September 17, 1919, was read and ordered made a matter of record.